

Meeting Minutes Offender Registration Working Group

Date: October 26, 2010

Time: 1:00 to 3:00

Location: Douglas County Jail

Attendance:

Sgt. Al Deathe- Douglas County SO

Deputy Keomi Johnson- Sedgwick County SO

Judge David Ricke- Butler Co District Court

Melissa Purkeypile- 13th Judicial District

Bethany Fields- Riley County DA

Rick Rinehart- Wyandotte County SO

Jacob Westfall- Harvey County SO

Sheila Wacker- Johnson County SO

Charles Patrick- Wyandotte County SO

Michelle McMillin- Saline County SO

Diane Doehling- Riley County PD

Christine Reece- JJA

Stacey Mann- JJA

Lisa Flemming- Johnson County Court Services

Leslie Moore- KBI

David Hutchings- KBI

Shelia Sawyer-Tyler- KBI

Nicole Dekat- KBI

Minutes of the Meeting:

1. Sgt. Al Deathe called the meeting to order and introduced himself. The remaining attendees introduced themselves.
2. Sgt. Al Deathe provided a briefing of the last Working Group Meeting minutes. Copies of the ORWG meeting agenda were provided.
3. Electronic Submission of registration forms was the first topic of discussion. Electronic submission would offer real time reporting and save time through the KCJIS Web Portal. There will be a conference call set up in the next few weeks to discuss this topic with the KBI IT department. This discussion also brought up the current change in emailing Personal Identifying Information (PII) and restricted records. It was stated that the KBI IT staff is also looking into other secure ways of transferring information at this time.

4. Legislation was the next topic of discussion by Dave Hutchings, legislative liaison for the KBI. There was three copies of the KORA handed out (clean copy of the KORA as it stands today, a copy that Dave Hutchings is currently working on, and a copy that the ORWG has worked on with a few additional changes from Nicole Dekat and Shelia Sawyer-Tyler). Dave stated he has only had time to work on K.S.A. 22-4902 thru 22.4904. In K.S.A. 22-4902 he has categorized the offenders into three classes (sex, drug, violent) so each offender fits into a category (mostly for clean up purposes). Also the language “on or after” was taken out last year and an effective date was put in. Dave is verifying with the revisers office the reason for this. It was also stated that wording on “reside” and “transient” needs some more work. K.S.A. 22-4903, is about violation of the KORA and failure to comply with all provisions. It was stated that prosecution is spotty across the state and offering different levels gives prosecutors room to plea. Dave suggested having an aggravated failure to register which would be non-compliance of six months or more, so this would only affect the “problem” offenders. Judge Ricke stated that if you give the offender room to plea, they will always plea to a level 6 and they will never get aggravated non-compliance. Michelle McMillin stated that it should also be stated that the offenders can only plea to non-compliance, not to crimes such as disorderly conduct. Bethany Fields stated that the first conviction should be a level 5 because this makes it border box and they can determine whether it should be probation or prison depending on the offender, then the second or subsequent conviction should be a level 4 and aggravated a level 3. Al Deathe stated there is problems with offenders who plea to non-registerable crimes then the judge orders them to register. He stated there might need to be language added for a statute to cover this. David Hutchings stated that he would like to discuss where the offender can be prosecuted for FTR. He stated that he would like to see that the county of conviction for the original crime can prosecute even if that is not where the offender is registering. K.S.A. 22-4904, Dave Hutchings stated he is just cleaning up language on what the registering entity has to explain to the offender. It was mentioned by many in attendance that educating prosecutors and judges about the KORA, would be beneficial to successful prosecution of failure to register cases.
5. The Department of Justice asked if Kansas could submit a preliminary compliance packet to the SMART office by the end of this year to determine if our statutes would make Kansas substantially compliant in the event that our proposed legislation was passed. This would then give Kansas the opportunity to make the necessary changes before it was presented to the legislators.
6. On January 11, 2011 the SMART office is holding a national workshop on SORNA. Sgt Al Deathe and Nicole Dekat will be representing Kansas at this workshop. There will not be a 2011 national symposium. The results of the workshop will be discussed at the following ORWG meeting.
7. Shelia Sawyer-Tyler explained that KDOR is altering the KS Registered Offender driver’s license and identification card to comply with K.S.A. 8-243 (d). Currently, “Registered Offender” and the offender’s SOP (RO) number are displayed on the KS DL or ID. “Registered Offender” will be removed and the offender’s SOP (RO) number will represent the distinguishing number required by K.S.A. 8-243 (d).

8. Nicole Dekat discussed the testimony she provided on September 23, 2010 to the Joint Committee on Corrections and Juvenile Justice Oversight on whether sex offender residency requirements in other states were pushing sex offenders into Kansas. Nicole's testimony clearly indicates that there are more offenders moving out of Kansas to neighboring states than there are offenders moving into Kansas from neighboring states.
9. Our next meeting is scheduled for December 7, 2010 at the Harvey County Law Enforcement Center at 1:00 p.m. This meeting will be strictly in regards to legislation.
10. Meeting was adjourned at 3:00 p.m.